



Advocates for Workplace Fairness

May 24, 2018

**Via ECF and Hand Delivery**

The Honorable Robert W. Lehrburger  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Chen-Oster, et al. v. Goldman, Sachs & Co.*,  
No. 10 Civ. 6950 (AT) (RWL)

Dear Judge Lehrburger:

We represent Plaintiffs and the certified class in the above-captioned action. We write to request a brief adjournment of the June 29, 2018 deadline for Plaintiffs' production of new or revised expert reports, to 30 days after the Court's ruling on Plaintiffs' pending motion to modify the discovery schedule. ECF No. 568. This is Plaintiffs' first request to modify this deadline. Defendants do not consent to Plaintiffs' request.

A brief continuance of the Court's June 29, 2018 expert report deadline is warranted. The Court set the current schedule on January 30, 2018, based on Goldman's representation that its performance evaluation policies have materially changed. ECF No. 568. Since then, Plaintiffs have moved to modify the schedule because targeted discovery revealed that Goldman's performance evaluation processes have not changed in materials ways—and largely have not changed at all. ECF No. 590.

Plaintiffs' motion to modify the discovery schedule will be fully briefed on June 6, 2018, and the Court will hear oral argument on the motion on June 27, 2018. ECF No. 592; ECF No. 593. However, under the current discovery schedule, Plaintiffs' deadline to submit expert reports is June 29, 2018—just *two days* after the hearing. A short continuance of the June 29, 2018 deadline is the fairest way of reconciling the two dates. If Plaintiffs' view proves correct, new expert reports (and, indeed, a host of other deadlines, including class certification briefing) may no longer be necessary. A brief adjournment could therefore save a great deal of time and expense. *See* Fed. R. Civ. P. 1 (requiring that the federal rules “be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding”).

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Goldman's professed reason for opposing Plaintiffs' request, that it will necessitate the adjustment of other scheduled deadlines, is unpersuasive. *See* ECF No. 596 at 2; ECF No. 597 at 8 n.4. Even if the Court adopts Goldman's view on the pending motion to modify the discovery schedule, Plaintiffs seek only a brief adjournment, so there is no prejudice to Goldman. Moreover, a brief delay now, on the real chance it could save significant time and expenses going forward, is the most practical and proportional way to balance equities at this juncture.

Respectfully submitted,



Kelly M. Dermody



Adam Klein

cc: All counsel via ECF